

REMARKS

Claims 1-3, 6, 8 and 10-39 were rejected and remain pending. Claims 1, 6, 8, 10-18, 20, 26, 27 and 30-39 have been amended. As amended, reconsideration and allowance are respectfully requested.

Examiner Interview

Applicant thanks Examiner Michael J. Fisher for the time spent discussing the rejection of claim 1 with Applicant's attorney Marc E. Brown during telephone conferences on April 8 and 10, 2008 in view of U.S. Patent 6,826,552 to Grosser et al. ("Grosser"). It was agreed that the amended version of claim 1 that is presented herein distinguishes over Grosser and overcomes the rejection that was made.

Claim Rejections – 35 USC § 103

Claims 1-3, 6, 8 and 10-39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Grosser. Claims 1, 6, 8, 10-18, 20, 26, 27 and 30-39 have been amended. As amended, this rejection is respectfully traversed and reconsideration is requested.

Claims 1, 20, 26, 27 and 38

Claim 1 is directed to an automated method for referring a prospective customer to automobile dealers. The customer is prompted to enter information about the customer. A database is queried using this information. The database contains information about the identity and location of automobile dealers and about prior contacts between customers and these dealers, including information about the reason for each prior contact, such as to purchase a vehicle, service a vehicle, or purchase a part. Two or more dealers with whom the customer had prior contact for different reasons are located. Information about at least one of the located dealers is provided to the customer, giving preference to the dealer(s) with whom the customer had prior contact for one of the reasons.

As explained in the specification, automated customer referral systems usually respond to customer inquiries by referring the customer to dealers that are closest to the customer. *See ¶ [0010]*. The invention of claim 1 is markedly different. The automated system consults a database of contact information that contains information, not only about the existence of

contacts between customers and dealers, but about the reason for each contact. The automated system then makes a referral giving preference to dealers that had contact with the prospective customer for a particular reason.

For example, an inquiring customer may be closest to dealer A, and then to dealer B, and then to dealer C. The inquiring customer may have had no prior contact with dealer A, may have visited dealer B to purchase a part, and may have phoned dealer C to purchase a vehicle. The automated system may be programmed to give preference to contacts to purchase vehicles over contacts to purchase parts. Thus, the automated system would make a referral giving preference to dealer C, even though dealer C is further away. The preference could be manifested by recommending only dealer C, by listing dealer C first, or by other approaches.

In short, the invention of claim 1 makes use of customer contact data – including the reason for each contact -- from multiple dealers in a new and innovative way to increase the effectiveness of automated referrals.

Grosser also discloses an automated referral system. Beyond this, however, Grosser is totally unlike the invention of claim 1. It in no way renders the invention of claim 1 obvious.

The Examiner agreed that Grosser is missing elements of claim 1. As Applicant and the Examiner also agreed during their interviews, moreover, the fact that a user might store information about his likes and dislikes of various dealers would not render it obvious to have stored the reasons for prior contacts and to have given preference during the referral process to dealers that had prior contact for one of these reasons. In short, the Examiner agreed during the interviews that amended claim 1 patentably distinguished over Grosser.

Claims 20, 26 and 38 are directed to systems and methods that performs steps similar to those recited in claim 1. They too are not obvious in view of Grosser for reasons similar to those discussed above in connection with claim 1.

Claims 23 and 39

Claim 23 gives preference to dealers that had a prior contact with the customer over dealers that are closer to the customer. The closer dealer is given preference if information about

a contact with a more distant dealer does not exist. Otherwise, a more distant dealer is given preference. Applicant respectfully submits that the fact that a customer might record his likes and dislikes of various dealers does not constitute a reason that demonstrates that this innovative approach to providing referrals was obvious.

Claim 39 is similar to claim 23 and is not obvious in view of Grosser for similar reasons.

Claims 2-3, 6, 8 and 10-19, 21, 22, 24, 25 and 27-37

These claims are dependent upon claims 1, 20, 23, 26, 38 or 39 and thus are also patentable in view of Grosser for the reasons stated above.

Claim 6 also requires the prior contact to which a preference is given to have been for a sales-related reason. Again, this feature is nowhere disclosed in or suggested by Grosser. Just because a user might have had an opinion about a particular dealer does not explain why it was obvious to have made automated referrals by giving preference to prior contacts for a sales-related reason, as opposed to other reasons.

Claim 8 also requires that a prior contact for a service-related reason be given a lower preference. Again, this feature is nowhere disclosed in or suggested by Grosser. Just because different people might be involved in the different types of contacts that a user had with various dealers or that the user may have liked or disliked them, does not explain why it was obvious to have made automated referrals by giving lower preference to prior contacts for a service-related reason, as opposed to other reasons.

Claims 12 and 30 also require the results to be divided into different sets, each listing dealers that had contact with the user for the same reason. The feature is also missing from Grosser.

Claims 18, 19, 36 and 37 also require preference to be given to a contact having the most recent date when contacts for the reason with different dealers are located. This multi-level feature is also missing from Grosser, and none of the reasons offered by the Examiner explain why this was merely an obvious difference. The Examiner first states that the most recent dealers are the ones in which the customer has shown an interest. This is not correct. The customer also

showed an interest in the dealers with more vintage contacts. The Examiner states that it would have been obvious to allow the user to have many or few contacts. This is irrelevant to whether it would have been obvious to have given preference to the most recent contacts.

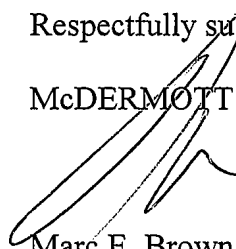
Conclusion

For the foregoing reasons, Applicant respectfully submits that this Amendment places this application in condition for allowance and early notice of the same is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account s501946 and please credit any excess fees to such deposit account.

Respectfully submitted,

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